

**MINUTES
REGULAR MEETING**

City Council of the Town of Colma
City Hall, 1198 El Camino Real
Colma, CA 94014

May 12, 2004 - 7:30 p.m.

CALL TO ORDER – Mayor Ronald J. Maldonado called the Regular Meeting of the City Council for the Town of Colma to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present – Mayor Ronald J. Maldonado, Mayor Pro Tem Philip Lum and Councilmembers Helen Fisicaro, Joseph Silva and Frossanna Vallergera.

Staff Present – City Manager Herb Moniz, Assistant City Manager Diane McGrath, Acting Chief of Police Robert Lotti, City Attorney Roger Peters, City Engineer Rick Mao, City Planner Malcolm Carpenter, Deputy City Planner Andrea Ouse, Recreation Services Manager Brian Dossey, and Recording Clerk Anita L. Thorsnes.

Also Present:

City Treasurer Rae Gonzalez.
Supervising Engineer Ellen Ellsworth.

PUBLIC COMMENTS

Open to public.

None.

Closed to public.

PRESENTATIONS AND INTRODUCTIONS

1. Introduction of Efrem Ramos, Recreation Coordinator
2. Introduction of Rick Safadi, Police Dispatcher/Clerk
3. Proclamation Honoring Sergeant Ed Ruggiero for 25 Years of Service to the Town of Colma
4. Proclamation Recognizing National Police Week

CONSENT CALENDAR

5. Motion to Accept Minutes of April 14, 2004 Regular City Council Meeting
6. Motion to Approve Warrants List for April 1-30, 2004
7. Motion to Adopt Resolution 2004-33 AMENDING THE TOWN'S INVESTMENT POLICY BY AMENDING COLMA ADMINISTRATIVE CODE SECTION 1.03.180
8. Motion to Approve Summary of Policies and Guidelines for Enforcement of Accessory Buildings Ordinance
9. Motion to Adopt Resolution 2004-34 PERMITTING NON-RESIDENTS TO PARTICIPATE IN COLMA RECREATION AND LEISURE PROGRAMS DURING TRIAL PERIOD

Mayor Maldonado abstained from voting on Item 5 due to not being present at the April meeting.

Action: On motion of Helen Fisicaro to approve, seconded by Frossanna Vallerga, and carried, the Council approved the Consent Calendar by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

Mayor Pro Tem Philip Lum left the room momentarily.

ORDINANCE TO BE INTRODUCED

10. Consider: An Ordinance adding Subchapter Ten to Chapter 3, of the Colma Municipal Code for the Regulation of Woodburning Appliances

Report: City Planner Malcolm Carpenter gave the report and recommended that the Council adopt an ordinance.

Open to public comments.
No comments.

Closed to Public.

Action: On motion to approve by Helen Fisicaro, seconded by Frossanna Vallergera, and carried the Council Introduced Ordinance 616 AN ORDINANCE ADDING SUBCHAPTER TEN TO CHAPTER 3, OF THE COLMA MUNICIPAL CODE FOR THE REGULATION OF WOODBURNING APPLIANCES by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.					✓
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

Action: On motion by Helen Fisicaro, seconded by Frossanna Vallergera, and carried the Council approved reading the ordinance by title only by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.					✓
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

The title was read by Helen Fisicaro.

Mayor Pro Tem Philip Lum returned to the dais.

PUBLIC HEARINGS

11. Consider: Resolution Granting Variance from Wheel Stop Requirement -- Proposed Kohl's Store at 1200 El Camino Real (APN: 008-421-120)

Report: Deputy City Planner Andrea Ouse gave the report and recommended that the Council make the findings set forth therein, and approve a Variance to eliminate the requirement for wheel stops in a parking lot at 1200 El Camino Real (APN 008-421-120)

Open to public comments.
No comments.

Closed to Public.

Action: On motion to approve by Frossanna Vallerga, seconded by Helen Fisicaro, and carried the Council adopted Resolution 2004-35 RESOLUTION GRANTING VARIANCE FROM WHEEL STOP REQUIREMENT by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

12. Consider: An Ordinance regulating accessory buildings in residential areas by amending Colma Municipal Code Sections 5.110, 5.313 and 5.313.1

Report: Deputy City Planning Andrea Ouse gave the report and recommended that the Council introduce an ordinance revising the Zoning Code to establish accessory buildings standards.

Open to public comments.
Dennis Fisicaro, 490 D Street.

Closed to Public.

Action: On motion to approve by Helen Fisicaro, seconded by Frossanna Vallerga, and carried the Council Introduced Ordinance 617 AN ORDINANCE REGULATING ACCESSORY BUILDINGS IN RESIDENTIAL AREAS BY AMENDING COLMA MUNICIPAL CODE SECTIONS 5/110, 5.313 AND 5.313.1 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

Action: On motion by Helen Fisicaro, seconded by Frossanna Vallerga, and carried the Council approved Reading the Ordinance by Title Only by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

The Title was read by Helen Fisicaro.

NEW BUSINESS

13. Study: Recreation Program Quarterly Review, January - April 2004.

Report: Recreation Service Manager Brian Dossey gave the report and recommended that the Council review a Powerpoint presentation chronicling programs, activities, events and trips from January 2004 – April 2004, and accept the report.

Open to public comments.

No comments.

Closed to Public.

Action: On motion to approve by Frossanna Vallergera, seconded by Joseph Silva, and carried, Council accepted the report by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

14. Study: Alternative Locations and Design Concepts for Community Gateways and Signage

Report: Planning Director Malcolm Carpenter Gave the report and recommended that the Council review materials and provide guidance to the staff for the development of a final Master Gateway and Sign Program.

Open to public comments.
Pat Hatfield, 475 D Street.
Dennis Fisicaro, 490 D Street.
Mary Brodzin, 516 B Street.

Closed to public.

Action: On motion to approve by Frossanna Vallergera, seconded by Helen Fisicaro, and carried, Council directed staff to prepare a Master Sign and Gateway Program for Council approval by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

15. Study: Fiscal-Year 2004-05 Preliminary Five Year Capital Improvement Program Plan

Report: City Engineer Rick Mao gave the report and recommended that the Council review the updated Five-Year Capital Improvement Plan 2004/2005 through 2008/2009, and direct staff.

Open to public comments.
Franco Carson, 579 D Street.

Closed to public.

Action: On motion to approve by Helen Fisicaro, seconded by Philip Lum, and carried, Council directed staff to finalize the Five-Year CIP Plan, for Council consideration and approval at the June Council meeting, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

Mayor Maldonado called for a 10-minute break.

16. Study: Fiscal Year 2004-05 Preliminary Budget

Report: City Manager Herb Moniz gave the report and recommended that the Council review and consider the Fiscal Year 2004-2005 Preliminary Budget, and direct staff.

Open to public comments.
Dennis Fisicaro, 490 D Street.

Closed to public.

Action: On motion to approve by Frossanna Vallerga, seconded by Helen Fisicaro, and carried, Council directed staff to finalize the Budget, and bring it back for approval at the June Council meeting - *excluding Colma School, which will be closing soon*, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

17. Consider: Establishing the Position of Police Recruit

Report: Acting Chief of Police Bob Lotti gave the report and recommended that the Council adopt a resolution, job description and hourly salary rate for the position of Police Recruit.

Open to public comments.
Franco Carson, 579 D Street.

Closed to public.

Action: On motion to approve by Joseph Silva, seconded by Helen Fisicaro, and carried, Council approved the job description and hourly rate and adopted Resolution 2004-36 RESOLUTION ESTABLISHING THE POSITION OF POLICE RECRUIT, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

18. Consider Staffing Plan for Recreation and Leisure Services Department

Report: Recreation Service Manager Brian Dossey gave the report and recommended that the Council adopt a resolution approving the development of a part time staffing plan for the Recreation Services Department.

Open to public comments.

No comments.

Closed to public.

Action: On motion to approve by Joseph Silva, seconded by Helen Fisicaro, and carried, Council approved the job description and hourly rate and adopted Resolution 2004-37 RESOLUTION APPROVING STAFFING PLAN FOR RECREATION AND LEISURE SERVICES DEPARTMENT, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	5	0			

19. Consider: Agreement Among Jefferson Elementary School District, City of Daly City and Town of Colma for Construction and Use of Recreational Facilities

Report: Recreation Service Manager Brian Dossey gave the report and recommended that the Council approve by resolution the Joint Use Agreement between Jefferson Elementary School District, City of Daly City and the Town of Colma for the joint construction and joint use of an athletic complex, including gymnasium and athletic field, at T.R. Pollicita Schools and gymnasium at Benjamin Franklin Intermediate School (The Facilities).

Open to public comments.

No comments.

Closed to public.

Action: On motion to approve by Helen Fisicaro, with the addition to the resolution that the amount “of up to \$500,000” be contingent upon participation of Colma resident’s in Daly City activities be provided at resident rates, seconded by Philip Lum, and carried, Council approved Resolution 2004-38 RESOLUTION APPROPRIATING FUNDS TOWARD A JOINT EVENT COMPLEX, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

20. Consider: Cross-Easements Agreement for Hillside Access and Parking Purposes

Frossanna Vallerga excused herself from the dais and left the room, due to a possible conflict of interest because her husband is employed by Chevra Kadisha Sinai.

Report: City Attorney Roger Peters gave the report and recommended that the Council approve a cross-easements agreement for Hillside access and driveway purposes with Congregation Chevra Kadisha Sinai (“Sinai”)

Open to public comments.
No comments.

Closed to public.

Action: On motion to approve by Helen Fisicaro, seconded by Joseph Silva, and carried, Council approved Resolution 2004-39 RESOLUTION APPROVING CROSS-EASEMENTS AGREEMENT FOR ACCESS AND PARKING PURPOSES, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga				✓	
Voting Tally	4	0			

Councilmember Vallerga returned to the dais.

Mayor Maldonado called for a 5-minute break.

OLD BUSINESS

21. Study: Discussion of Fire Service Joint Powers Agreement

Helen Fisicaro excused herself from the dais and left the room due to possible conflict of interest because her husband works for the Colma Fire District.

Report: City Manager Herb Moniz gave the staff report and recommended that the Council review and consider the information in the report and adopt a motion to direct staff to:

1. in cooperation with the Colma Fire Protection District, prepare an annual Budget for the proposed Fire Authority using the Town's format, and
2. set a Public Hearing at the July 14, 2004, City Council Meeting to review the draft Budget information and consider adoption of the proposed Fire Service Joint Powers Authority Agreement.

Open to public comments.

Mary Brodzin, 516 B Street.

Franco Carson, 579 D Street.

Bruce Tracey, Colma Fire District Business Manager.

Closed to public.

Action: On motion to approve by Philip Lum, seconded by Frossanna Vallergera, and carried, Council directed staff to prepare an annual budget for the proposed Fire Authority, to be considered for adoption at a Public Hearing on July 14th, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro				✓	
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

Councilmember Fisicaro returned to the dais.

COUNCIL CALENDARING:

Verano HOA Meeting: May 18th 7pm – 9pm

Council Workshop: May 20th 8am – 2pm.

June Council Meeting: June 16th 7:30 pm

August Council Meeting: August 18th 7:30 pm

REPORTS:

Mary Brodzin gave a Treasurer's Report for Pat Hatfield, and an update of current events.

Helen Fisicaro thanked everyone who participated in the Rebuilding Together Project.

City Manager Herb Moniz requested that Item 23, Paul Ingram case, be added to the agenda to be heard in Closed Session.

Action: On motion to approve by Helen Fisicaro, seconded by Philip Lum, and carried, Council added Item 23 to the Closed Session agenda by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado	✓				
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	5	0			

ADJOURNMENT

The meeting adjourned to Closed Session at 11:45 p.m.

CLOSED SESSION

22. In Closed Session under Government Code § 54957, CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: Austris Rungis, IEDA

Employee Organization: Colma Police Communications/ Records Association
(CPCRA)

Action: No reportable action taken.

**23. In Closed Session under Government Code § 54956.9 (a) CONFERENCE
WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Agency Counsel: Roger Peters
Name of Case: Paul Ingram v. Town of Colma**

Action: No reportable action taken.

ADJOURNMENT

Closed Session adjourned at 12:30 a.m. May 13, 2004

Respectfully Submitted,

Anita Landis Thorsnes

Anita Landis Thorsnes

Deputy City Clerk

Approved by Colma City Council June 16, 2004